

REMARKS

The Applicants do not believe that examination of the response contained herein will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the response contained herein be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated March 20, 2006 is a Notice of Non-compliant Amendment under the provisions of 37 CFR 1.121; which states that the Applicants have not submitted and comments nor submitted the drawings as previously required by the Examiner. The Applicant hereby re-submit drawing sheet in conformance with the requirements of 37CFR 1.121.

The drawings are objected to under the provisions of 37 CFR §1.83(a). The drawings must show every feature/labels of the invention specified in the claims. The Annotated Drawings contain red-lined drawing sheets 1 and 2 are submitted herewith. Annotated sheet 1 contains Figures 1, 2. Annotated sheet 2 contains Figure 3. The Examiner objected to Figures 1, 2 and 3 as not providing labels. Annotated drawing sheets 1 and 2 provide the labels. Replacement drawing sheets 1 and 2 provide replacement sheets for annotated drawing sheets 1 and 2.

The Examiner making the rejection states that the flowchart of the process must be shown or the feature(s) canceled from the claims. The Applicants respectfully submits that Figures 2 and 3 taken in conjunction with the description in the specification clearly show all the features in the claims.

Claims 1-20 are pending in the present application for invention. Claims 1-20 are rejected by the September 23, 2005 Office Action.

The Office Action rejects Claims 10-12 under the provisions of 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner states that Claims 10-12 in view of the specification page 7, line 9-16 is not limited to tangible embodiments and includes intangible embodiment such as a carrier wave and a signal. The Applicants believe that the rejected claim define statutory subject matter. The Applicant respectfully, asserts that a carrier wave and a signal are not inherently non-statutory. Claim 10 defines subject matter for a computer program product arranged to make a processor execute the method of Claim 1. The subject matter of

Claim 10 does not become non-statutory simply because it defines a computer program product. Claim 11 defines subject matter for a carrier including the computer program product of Claim 10. The subject matter of Claim 11 does not become non-statutory simply because it defines a carrier. Claim 12 defines subject matter for a signal representing the computer program product of Claim 10. The subject matter of Claim 12 does not become non-statutory simply because it defines a signal. Therefore, this rejection is traversed.

The Office Action rejects Claims 1-6 and 8-20 under the provisions of 35 U.S.C. §102(c) as being anticipated by U.S. Patent No. 6,301,710 issued to Fujiwara (hereinafter referred to as Fujiwara).

Regarding independent Claims 1 and 13, the Examiner states that col. 2, line 65-col. 3, line 7 within Fujiwara discloses all the subject matter defined by the elements of reading, placing and converting as defined by rejected Claims 1 and 13. The Applicants, respectfully, disagree. Rejected Claims 1 and 13 define subject matter for reading the configuration information for the device and determining portions of the configuration information that need to be converted to be compatible with the update part and portions of the configuration information that do not need to be converted to be compatible with the update part.

Fujiwara at col. 2, line 65-col. 3, line 7 is reproduced below.

The install module next reads an information file attached to the update program, and responsively updates client computer configuration files to reflect new parameters and requirements corresponding to the update program. In the one embodiment, the install module retrieves registry information from the information file, and advantageously creates a uniquely-named substitute registry in the computer system's software registries to avoid potential software conflicts between the update program and other software programs residing on the client computer system.

The Applicants, respectfully, assert that the Examiner's position that Fujiwara at col. 2, line 65-col. 3, line 7 discloses the subject matter for the reading element of rejected Claim 1 is unfounded. Claims 1 and 13 define reading the configuration information for the device and

determining portions of the configuration information that need to be converted to be compatible with the update part and portions of the configuration information that do not need to be converted to be compatible with the update part. Fujiwara does not disclose or suggest at col. 2, line 65-col. 3, line 7, or anywhere within the four corners of that reference, determining portions of the configuration information that need to be converted to be compatible with the update part and portions of the configuration information that do not need to be converted to be compatible with the update part. The Applicants do not concur with the Examiner's position that the terms "responsively updates client computer files" and "updates client computer configuration files to reflect new parameters and requirement corresponding to the update program" can be read as being equivalent to "determining portions of the configuration information that need to be converted to be compatible with the update part and portions of the configuration information that do not need to be converted to be compatible with the update part". There is no disclosure or suggestion for "determining portions of the configuration information that need to be converted to be compatible with the update part and portions of the configuration information that do not need to be converted to be compatible with the update part" anywhere within Fujiwara.

The Examiner states that Fujiwara at col. 2, line 65-col. 3, line 7 discloses all the subject matter defined by the element of placing as defined by Claims 1 and 13. The Applicants, respectfully, point out that rejected Claim 1 defines placing those portions of the configuration information that do not need to be converted to be compatible with the update part into a storage area. Fujiwara at col. 2, line 65-col. 3, line 7 (as reproduced above) makes no mention, disclosure or suggestion of any subject matter that is related to update information that does not need to be converted to be compatible with the update part. More, specifically, Fujiwara does not disclose or suggest the subject matter for placing those portions of the configuration information that do not need to be converted to be compatible with the update part into a storage area.

The Examiner states that Fujiwara at col. 2, line 65-col. 3, line 7 discloses all the subject matter defined by the element of converting as defined by Claims 1 and 13. The Applicants, respectfully, point out that rejected Claims 1 and 13 define converting those portions of the configuration information that need to be converted to be compatible with the update part to a form that is compatible with the update part. Fujiwara at col. 2, line 65-col. 3, line 7 (as reproduced above) makes no mention, disclosure or suggestion of any subject matter that is

related to converting portions of the configuration information to be compatible with the update part to a form that is compatible with the update part. More, specifically, Fujiwara does not disclose or suggest the subject matter for converting those portions of the configuration information that need to be converted to be compatible with the update part to a form that is compatible with the update part.

The Examiner states that Fujiwara at col. 2, line 65-col. 3, line 7 inherently discloses all the subject matter defined by the element of storing as defined by Claims 1 and 13. The Applicants, respectfully, point out that rejected Claim 1 defines storing those portions of the converted configuration information that need to be converted to be compatible with the update part into the storage area. Fujiwara at col. 2, line 65-col. 3, line 7 (as reproduced above) makes no mention, disclosure or suggestion of any subject matter that is related to portions of the configuration information that require conversion to be compatible within the update versus those portions that do not require conversion to be compatible. There is no mention, disclosure, or suggestion of any actions that are taken upon those portions that require conversion to be compatible with update part. More, specifically, Fujiwara does not disclose or suggest the subject matter for storing those portions of the converted configuration information that need to be converted to be compatible with the update part into the storage area.

The Examiner states that Fujiwara discloses a method of updating software by replacing an original part of the software by an updated part, the software being arranged to operate at least partly under the control of configuration information. The Applicants respectfully, point out that Fujiwara expressly creates a sub-directory and installs the update programs as separate tasks (see col. 10, lines 41-58). The present invention, in contradistinction to the teachings of Fujiwara, orchestrates the conversion of the structure and format of the configuration information from that of the presently existing software to that of the updated software. Fujiwara does not disclose or suggest a conversion process of the configuration information from the structure and format that of the presently existing software to that of the updated software.

Fujiwara expressly creates substitute registries and does not disclose, or suggest, converting of configuration information. Claims 1 and 13 define that portions of the configuration information that need to be converted to be compatible with the update part and portions of the configuration information that do not need to be converted to be compatible with

the update part are operated on separately. Furthermore, Claims 1 and 13 clearly illustrate the conversion process of the present invention. Fujiwara provides no disclosure for converting the configuration information or any suggestion on converting the configuration information. Fujiwara creates a sub-directories parallel to current directories. Fujiwara does not disclose, or suggest a conversion process for the configuration information into a form and format that is compatible within the updated software.

In view of the foregoing arguments, this rejection is traversed.

Claims 2-6 and 8-20 depend from and further narrow and define Claims 1 and 13. Therefore, since Claims 1 and 13 are believed to be allowable, Claims 2-6 and 8-20 are also believed to be allowable.

The Office Action rejects Claim 7 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Fujiwara in view of U.S. Patent No. 6,425,125 issued to Fries et al. (hereinafter referred to as Fries et al.). Fries et al. does not disclose or suggestion conversion of the configuration information as defined by the claims to the present invention. The Applicants, respectfully, point out that Fries et al. has been cited solely for the recitation of a table. The Applicants, respectfully, submit Claim 7 depends from claims previously discussed as being allowable and further narrows and defines those claims. There fore, Claim 7 is believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

The Commissioner is here authorized to charge any fees associated with the filing of this response to Account Number 50-3745, including extension fees but excluding issue fees, and to credit any overpayments to the same account.

Respectfully submitted,

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ANNOTATED SHEET

PHNL000737

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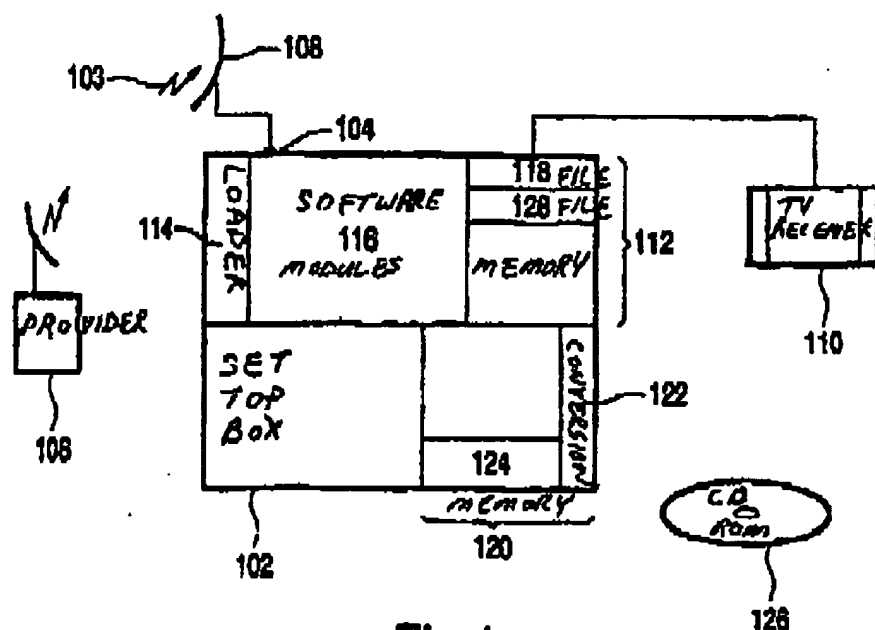


Fig.1

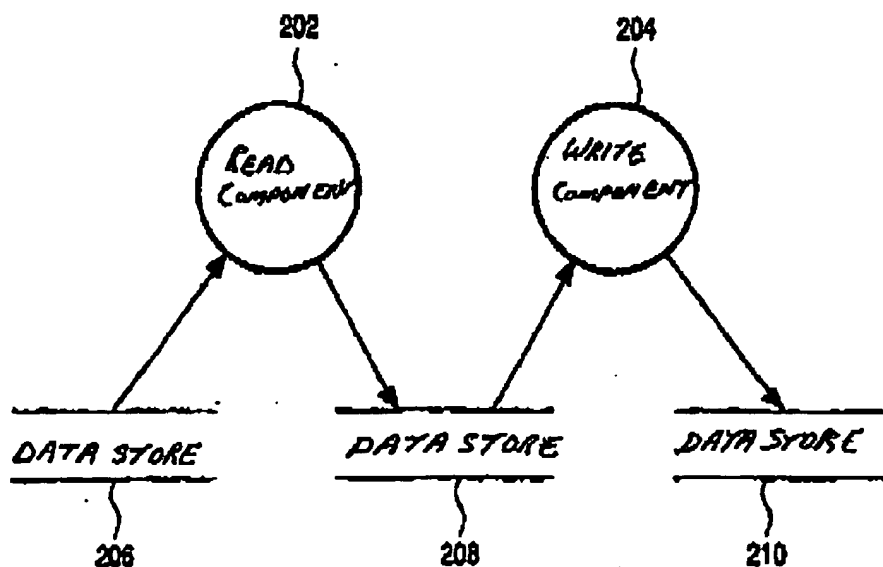


Fig.2

PHNL000737

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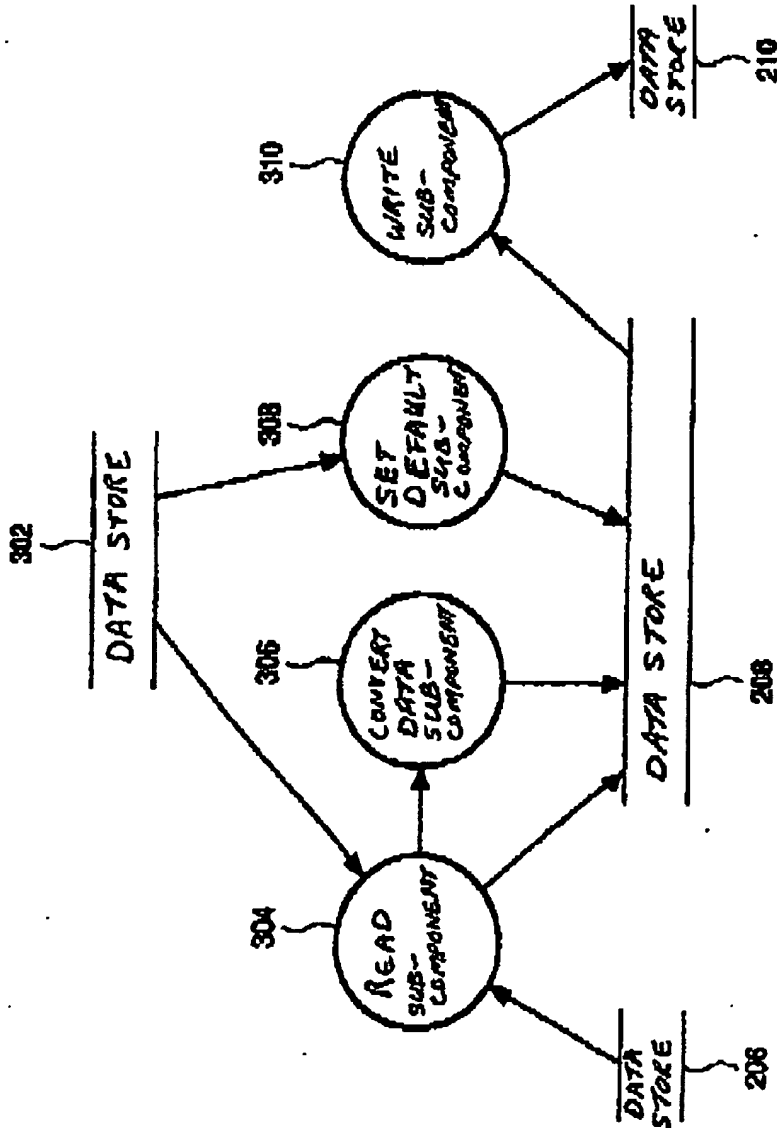


Fig.3